



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

December 15, 2010

NOTICE OF DECISION

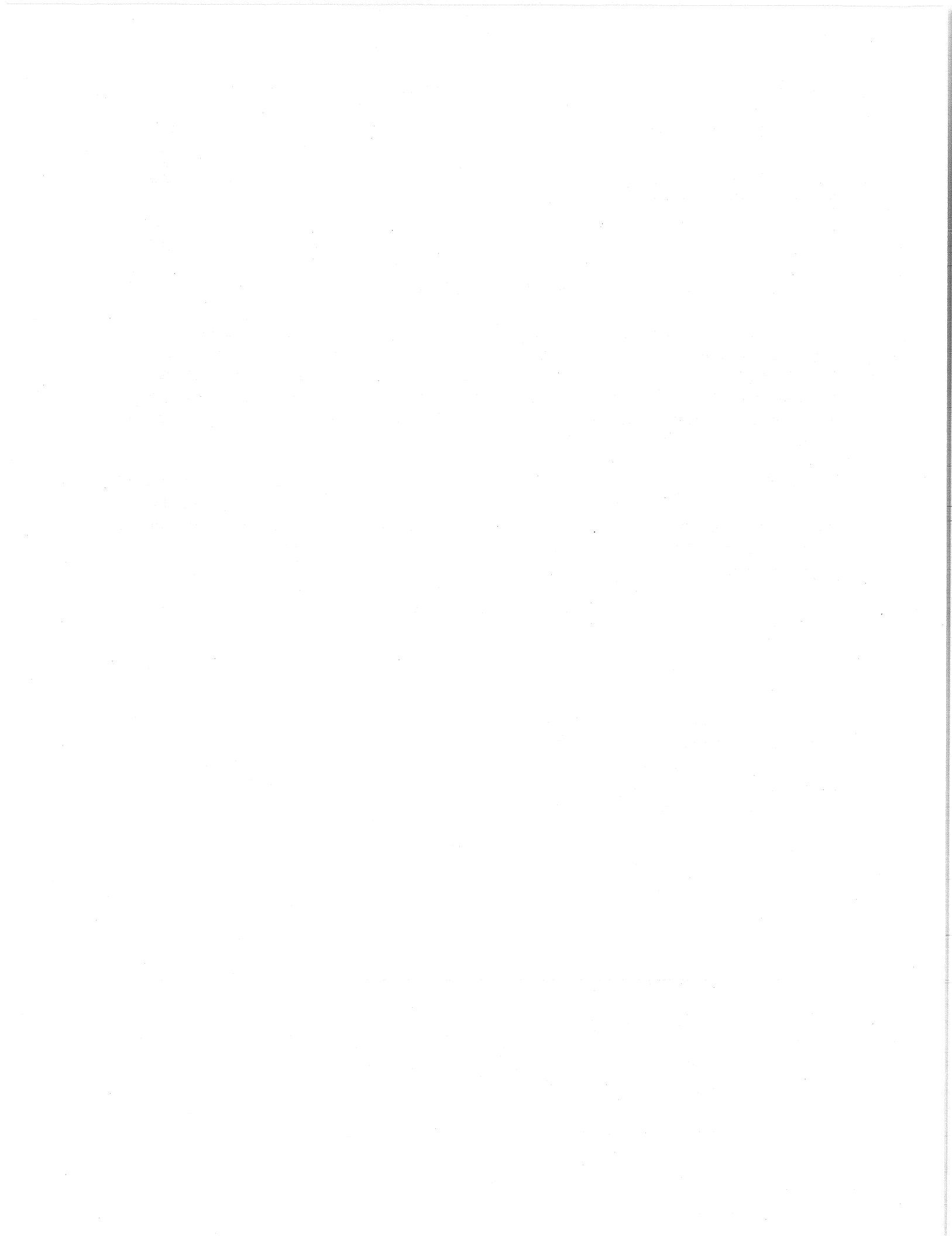
Please be advised that on December 15, 2010, the Commissioner of the Indiana Department of Environmental Management (IDEM) issued a Hazardous Waste Management Permit Modification requested under Indiana Code 13-22 and Rule 329 IAC 3.1 to Heritage Environmental Services Landfill (HES), located in Roachdale, Indiana. The permit modification will allow HES to expand the operating capacity for the Unit 2 Landfill by modifying the landfill footprint to include an additional cell.

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Office of Environmental Adjudication at the following address within fifteen days of your receipt of this notice:

Office of Environmental Adjudication
Government Center North, Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204-2241

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 requires that your Petition include:

1. The name and address of the person making the request.
2. The interest of the person making the request.
3. Identification of any persons represented by the person making the request.
4. The reasons, with particularity, for the request.
5. The issues, with particularity, for the request.
6. Identification of the permit terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing permits of the type granted or denied by the Commissioner's action.



Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the Office of Environmental Adjudication. Filing of such a document is complete on the earliest of the following dates:

1. The date on which the petition is delivered to the Office of Environmental Adjudication (OEA).
2. The date of the postmark on the envelope containing the petition, if the petition is mailed by United States mail; or
3. The date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

Pursuant to IC 4-21.5-3-3, the Office of Environmental Adjudication will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this decision if you submit a written request to the Office of Environmental Adjudication at the above address. If you do not provide a written request to the Office of Environmental Adjudication, you will no longer be notified of any proceedings pertaining to this decision.

For further information, please see the attachment. If you have any procedural or scheduling questions regarding your petition(s), you may contact OEA at 317/232-8591.

Copies of the Permit Conditions and the Notice of Decision may also be viewed on the IDEM web site at: www.IN.gov/idem/5474.htm

A Response to Comments has been prepared for comments received during the public comment period. The Response to Comments is enclosed for your information.

For further information regarding this notice, please call (800) 451-6027, press 0, and ask for Mr. Robert Marshall at extension 2-4534, or call 317/232-4534.

Sincerely,



Jeffrey L. Sewell, Chief
Permits Branch
Office of Land Quality

REM/gjo
Enclosure

RESPONSE TO COMMENTS
RCRA HAZARDOUS WASTE DRAFT CLASS 3 PERMIT MODIFICATION
HERITAGE ENVIRONMENTAL SERVICES, LLC
ROACHDALE, INDIANA
IND980503890

INTRODUCTION

The public comment period for the Heritage Environmental Services (HES) Landfill Draft Class 3 Permit Modification began on August 25, 2010, with a public notice in the Greencastle Banner-Graphic, a radio announcement on radio stations WIMC, WCDQ, and WCVL and a mass mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Permit Modification. Written comments were accepted during the public comment period, which ended on October 11, 2010.

This Response to Comments is issued pursuant to 329 IAC 3.1-13-13, which requires that the Indiana Department of Environmental Management (IDEM) shall:

1. briefly describe and respond to all significant comments on the Draft Permit;
2. specify which provisions, if any, of the Draft Permit have been changed, and the reasons for the change; and
3. explain the right to request an adjudicatory hearing on the permit as specified in IC 4-21.5.3.5 (see Notice of Decision).

RESPONSE TO PUBLIC COMMENTS

The following response has been prepared by the Indiana Department of Environmental Management (IDEM) to address the concerns expressed by the public during the public comment period. The comment is described in the following section along with the IDEM's response and the changes made as a result of the comment.

COMMENT:

The U.S. Fish and Wildlife Service submitted a letter to the IDEM, dated October 4, 2010 (VFC# 58740249). The letter identifies concerns regarding potential impacts on wildlife habitat and endangered species associated with a portion of the landfill expansion.

RESPONSE:

The IDEM has discussed this issue with HES. HES has applied for a dredge and fill permit under Sections 401/404 of the Clean Water Act for the subject area of concern within the Unit 2, Cell 3 expansion. HES will continue to work with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to mitigate any concerns.

CHANGE:

The following subsection 10. has been added to Section IV.C. – Design Requirements of the permit:

“The Permittee shall not commence with construction or operation in the area of Cell 3 that is subject to a dredge and fill permit under Sections 401/404 of the Clean Water Act until the 401/404 permit(s) become effective. The Permittee may partially construct Cell 3 outside the area subject to a 401/404 permit. Drawing 3 of 17 – Existing Features, located in Attachment D – Exhibit D-19, specifies the area within the design footprint of Cell 3 currently subject to a 401/404 dredge and fill permit.”

RESPONSE TO FACILITY COMMENTS

No facility comments were received.

ADDITIONAL CHANGES TO THE FINAL PERMIT

The Indiana Department of Environmental Management (IDEM) has determined that an additional permit attachment should be revised and/or clarified. The following permit attachment has been changed:

Permit Attachment

Change

Attachment K

HES Table of Contents has been updated to reflect the latest
Document Identification, Revision Number, and Revision Dates.